

10/018269 #6

AP9627/64098-888
10/018,269

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Latarnik et al.
 Serial No.: 10/018,269
 PCT No. : PCT/EP00/03785
 Int'l Filing Date: 27/March/2000
 Priority Date: 30/March/1999
 For: Method for Pressure Modulation of Brake Pressures

Attorney Docket No.: AP9627

Box PCT
 Commissioner for Patents
 Washington, D.C. 20231
 ATTN: International Division, Legal Staff

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

deposited with the United States Postal Service

transmitted by facsimile to the
 Patent and Trademark Office to
 Examiner _____
 at _____
 (fax number)

first class mail, postage prepaid in an envelope addressed
 to the Commissioner for Patents, Washington, DC 20231

Express Mail Post Office to Addressee, Mailing Label
 No. EVO64964784US addressed to Commissioner for Patents,
 Washington DC 20231

Date: 10/28/02

Signature

Joyce Krumpe

Name

Joyce Krumpe

**RESPONSE TO DECISION IN RESPONSE TO APPLICANT'S "RENEWED
 REQUEST UNDER 37 CFR 1.42"**

Dear Sir:

The attached Decision dated September 5, 2002 concludes that the undersigned's submission under 37 CFR 1.42 is dismissed without prejudice because the declaration submitted April 25, 2002 did not specifically state that Eva-Maria Latarnik, Sylvia-Monika Latarnik, and Christine Latarnik are the sole heirs of the deceased inventor. In a similar case, the PCT Petitions attorney, Mr. Anthony Smith, indicated that this

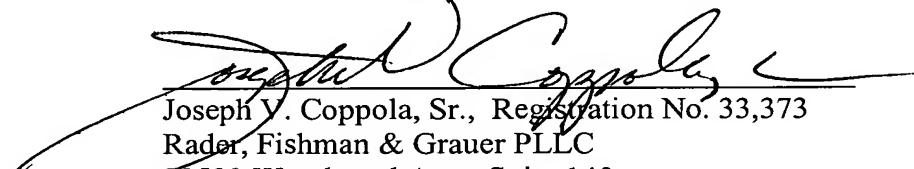
AP9627/64098-888
10/018,269

requirement could be satisfied by counsel of record certifying that Eva-Maria Latarnik, Sylvia-Monika Latarnik, and Christine Latarnik are the sole heirs.

Certification by Counsel

The undersigned hereby certifies that, based on the joint certificate of inheritance (attached German language document), and the attached English translation thereof, that Christine Latarnik, Sylvia-Monika Latarnik, and Eva-Maria Latarnik, are the sole heirs of the deceased inventor. This certification is based on the fact that, as evidenced in the attached copy of the Assignment of Invention by Heirs, the sum total of the fractional ownership shared by Christine Latarnik, Sylvia-Monika Latarnik, and Eva-Maria Latarnik of the deceased inventor's estate, results in a sum total of 100% of the decedent's estate.

Respectfully submitted,



Joseph V. Coppola, Sr., Registration No. 33,373

Rader, Fishman & Grauer PLLC

39533 Woodward Ave., Suite 140

Bloomfield Hills, Michigan 48304

(248) 594-0650

Attorney for Applicant

Customer No.: 010291

R0161937.DOC



05 SEP 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Joseph V. Coppola, Sr.
Rader, Fishman & Grauer PLLC
Suite 140
39533 Woodward Avenue
Bloomfield Hills, MI 48304

In re Application of
FÜHRER, Jochen, et al.
Application No.: 10/018,269
PCT No.: PCT/EP00/03785
Int. Filing Date: 27 April 2000
Priority Date: 30 April 1999
Attorney's Docket No.: AP9627
For: METHOD FOR PRESSURE
MODULATION OF BRAKE
PRESSURES

R.F.
6/4/02
DECISION ON
REQUEST
UNDER 37 C.F.R. 1.42

This is a decision on applicants' "Completion of Filing Requirements For International Application Entering U.S. National Stage in the U.S. Elected Office (EO/US)," filed 25 April 2002, which has been treated as a request for status under 37 C.F.R. 1.42.

BACKGROUND

On 27 April 2000, applicants filed international application PCT/EP00/03785. A Demand electing the United States was filed on 23 November 2000, within nineteen months of the priority date. Accordingly, the deadline for submitting the basic national fee to prevent abandonment of the international application as to the United States expired at midnight of 30 October 2001.

On 30 October 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 February 2002, the office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors was required.

On 25 April 2002, applicants filed the instant request accompanied by a declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the

deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration provided does not state that the three joint heirs are all of the heirs. If a legal representative has been or is required to be appointed under applicable law, such person must sign the declaration and indicate the relationship, e.g., "legal representative of inventor Michael Latarnik." Otherwise, all heirs of Michael Latarnik must sign the declaration and indicate the relationship, e.g., "sole heirs of Michael Latarnik," or "legal representative of Michael Latarnik." The indication that the heirs are three joint heirs leaves open the possibility that there are other non-signing joint heirs.

CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **REFUSED**.

Applicants are required to submit an oath or declaration in compliance with 37 C.F.R. 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 C.F.R. 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 C.F.R. 1.42."

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



Richard Cole
PCT Legal Examiner
PCT Legal Administration



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459